

Message Text

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PAGE 01 TEL AV 03044 010759Z

53

ACTION L-03

INFO OCT-01 NEA-10 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 TRSE-00 /064 W

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TO SECSTATE WASHDC 1282

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E.O. 11652: N/A

TAGS: PGOV,PFOR,IS

SUBJ: FOREIGN LAWS ON QUESTIONABLE PAYMENTS

PASS L/PM

REF: (A) STATE 94647; (B) TEL AVIV 7252

1. FOLLOWING ANSWERS TO QUESTIONS PARA 2 REF A WERE
OBTAINED FROM MRS. JEHUDITH KARP, DIRECTOR OF PUBLIC
LEGISLATION, MINISTRY OF JUSTICE:

A. YES. GOVERNMENT OF ISRAEL'S "BRIBERY LAW"/5712-1952
COVERS CIVIL SERVANTS AND ALSO THOSE WORKING FOR
ORGANIZATIONS GIVING SERVICE TO PUBLIC.

B. YES. THERE IS STANDARD CIVIL SERVICE REGULATION FOR-
BIDDING GOVERNMENT EMPLOYEES FROM ACCEPTING GIFTS.
THERE IS ALSO BILL PENDING BEFORE KNESSET WHICH WILL
REQUIRE CIVIL SERVANTS TO DISCLOSE SUCH GIFTS. THIS
BILL, TO BE CALLED "CIVIL SERVANTS GIFT LAW", HAS HAD ONE
READING SO FAR.

C. YES. AGENTS ARE UNDER JURISDICTION OF AFOREMENTIONED
BRIBERY LAW. IN ADDITION, THERE IS PENDING ORDINANCE,
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PAGE 02 TEL AV 03044 010759Z

DETAILS IN REF B, WHICH WILL GIVE GOI MORE

CONTROL OVER AGENTS' COMMISSIONS AND FEES IN WEAPONS SALES.

D. YES. POLITICAL PARTIES FINANCING LAW 5733-1973
COVERS CORPORATIONS, BUT DOES NOT PROHIBIT
INDIVIDUALS FROM MAKING POLITICAL CONTRIBUTIONS.

E. YES. POLITICAL PARTIES FINANCING LAW STIPULATES THAT
ACCOUNTS OF POLITICAL PARTIES ARE OPEN TO INSPECTION BY
THE STATE COMPTROLLER.

F. NO. BRIBERY LAW COVERS ONLY GOVERNMENT OR
QUASI-GOVERNMENT BODIES.

2. SUMMARIES OF RELEVANT LAWS FOLLOWS:

A. BRIBERY LAW 5712-1952

SECTION 1(A) "A PUBLIC SERVANT WHO TAKES A BRIBE FOR AN
ACT CONNECTED WITH HIS FUNCTION SHALL BE LIABLE TO IMPRI-
SONMENT FOR A TERM OF SEVEN YEARS AND A FINE OF TEN THOU-
SAND POUNDS." (B) "PUBLIC SERVANT ALSO MEANS AN EMPLOYEE
OF A BODY CORPORATE SUPPLYING A SERVICE TO THE PUBLIC."
SECTION 3 "A PERSON GIVING A BRIBE SHALL BE TREATED IN
THE SAME WAY AS A PERSON TAKING IT, PROVIDED THAT THE
PENALTY TO WHICH HE IS LIABLE SHALL BE HALF PENALTY
SPECIFIED IN SECTION I."

SECTION 6(A) "A PERSON WHO RECEIVES MONEY, MONEY'S WORTH,
A SERVICE OR SOME OTHER BENEFIT WITH A VIEW TO GIVING A
BRIBE SHALL BE DEEMED TO BE TAKING A BRIBE, AND IT
SHALL BE IMMATERIAL WHETHER OR NOT ANY CONSIDERATION IS
GIVEN TO HIM OR ANOTHER, FOR HIS ACTION AS A GO-BETWEEN
OR WHETHER HE REALLY INTENDED TO GIVE A BRIBE."

B. POLITICAL PARTIES FINANCING LAW 5733-1973

SECTION 8 "A PARTY GROUP SHALL NOT, DIRECTLY OR INDIRECTLY,
RECEIVE ANY CONTRIBUTION FROM A BODY CORPORATE IN ISRAEL.
FOR THE PURPOSES OF THIS PROVISION, 'BODY CORPORATION'
INCLUDES A REGISTERED PARTNERSHIP."
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PAGE 03 TEL AV 03044 010759Z

SECTION 9(A) "FROM THE FIFTEENTH DAY AFTER THE DETERMINING
DAY AND SO LONG AS IT IS ENTITLED TO HAVE ITS EXPENSES
FINANCED, A PARTY GROUP SHALL KEEP A SET OF ACCOUNTS, AND
ENTER ITS INCOME AND EXPENDITURE THEREIN, IN
ACCORDANCE WITH THE DIRECTIONS OF THE STATE COMPTROLLER.Z
(B) "THE SAME SAME SET OF ACCOUNTS AND THE BANK ACCOUNTS SHALL
BE AVAILABLE FOR INSPECTION BY THE STATE COMPTROLLER WHO

FOR THIS PURPOSE SHALL HAVE ALL THE POWER INVESTED IN HIM
WITH REGARD TO AN INSPECTED BODY BY THE STATE COMPTROLLER
LAW."

C. DRAFT CIVIL SERVICE GIFT LAW

"IN CASES WHERE A CIVIL SERVANT RECEIVES A GIFT DIRECTLY
OR INDIRECTLY IN ISRAEL OR ABROAD BECAUSE HE IS A CIVIL
SERVANT, THE GIFT WILL BE PROPERTY OF THE STATE; THIS INCLUDES
GIFTS THAT THE SPOUSE OR CHILD OF A CIVIL SERVANT MAY
RECEIVE. IT DOES NOT INCLUDE (A) GIFTS WHICH ARE OF VERY
LITTLE VALUE; (B) GIFTS FROM COLLEAGUES IN THE CIVIL SER-
VICE; AND (C) PRIZES FOR ACHIEVEMENTS IN WHICH COMPETITION
OPEN TO PUBLIC" THERM "CIVIL SERVANT" FOR THIS PENDING
LEGISLATION SHALL APPLY TO ANYONE WHO HAS TASK IN NAME OF
STATE. IT INCLUDES THOSE WHO HAVE ACQUIRED OFFICE BY
APPOINTMENT OR ELECTION, AND THOSE IN THE ARMED FORCES.

3. EMBASSY IS AIRPOUCHING TEXTS OF BOTH LAWS TO L/PM.
DUNNIGAN

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